

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT HALLMAN,
Plaintiff,
v.
DIRECTOR, TDCJ-CID,
Defendant.

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Case No. 6:20-cv-198-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Robert F. Hallman, a former inmate within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The cause of action was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On December 7, 2020, Judge Love issued a Report (Docket No. 13) recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to comply with an order of the Court. A copy of this Report was sent to Plaintiff at his address, with an acknowledgment card. The docket reflects that, much like other Court mail sent to Plaintiff at his last-known address, the Report sent to Plaintiff was returned as "undeliverable," with a notation of "RTS TEMP DEPARTED." Docket No. 14. To date, Plaintiff has neither complied with the underlying order nor communicated with the Court since June 2020.

Because objections to Judge Love's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of

the not-objected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").


Accordingly, it is:

ORDERED that the Report of the United States Magistrate Judge, (Docket No. 13), is **ADOPTED** as the opinion of the Court;

ORDERED that the above-styled civil proceeding is **DISMISSED**, without prejudice, for Plaintiff's failure to comply an order of the Court; and

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

So ordered and signed on this
Jan 7, 2021


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE